

## Message Text

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FM AMEMBASSY BRASILIA  
TO SECSTATE WASHDC 7427  
INFO AMEMBASSY ASUNCION  
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AMCONSUL RIO DE JANEIRO  
AMCONSUL SAO PAULO  
AMEMBASSY SANTIAGO

C O N F I D E N T I A L SECTION 1 OF 5 BRASILIA 3718

FOLLOWING MESSAGE WAS PREPARED BY AMCONSUL SAO PAULO.

EO 11652: GDS  
TAGS: PINT, SHUM, BR  
SUBJ: AMNESTY ISSUE COMES TO THE FORE

1. SUMMARY: AN INCREASING VARIETY OF BRAZILIAN OPINION MAKERS  
AND INTERESTS GROUPS HAVE DURING PAST MONTHS BECOME VOCAL IN  
SUPPORTING--AND AT TIME DEMANDING--RECONSIDERATION AND/OR  
REVERSAL OF REVOLUTIONARY PUNISHMENTS. PROPOSALS RANGE FROM  
(A) IMMEDIATE, UNRESTRICTED AMNESTY FOR ALL THOSE PUNISHED UNDER  
EXCEPTIONAL LEGISLATION (E.G), THE VARIOUS INSTITUTIONAL ACTS,  
DECREE LAW 477), TO (B) RE-EXAMINATION AND REVIEW OF PUNISHMENTS  
ON A CASE-BY-CASE BASIS, TO (C) CHANGES IN EXISTING ADMINISTRATIVE  
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PRACTICES THAT HAVE BEEN DETRIMENTAL TO THOSE PERSONS PUNISHED  
UNDER REVOLUTIONARY ACTS. EVEN GENERAL FIGUEIREDO HAS EXPRESSED  
HIMSELF IN FAVOR OF RE-EXAMINATION AND REVIEW, PERHAPS  
ON A CASE-BY-CASE BASIS, ALTHOUGH HE HAS ALSO BEEN QUICK TO NOTE  
THAT OAB (BRAZILIAN BAR ASSOCIATION) PRESIDENT RAYMUNDO FAORO  
HAS EXPRESSED RESERVATIONS AS TO THE LEGALITY OF THIS COURSE OF  
ACTION UNDER CURRENT LEGISLATION; FIGUEIREDO AND MAY OTHER GOVERNMENT

LEADERS HAVE ALSO STATED, HOWEVER, THAT THERE CAN BE NO FORGIVENESS FOR THOSE CONVICTED OF TERRORIST ACTS OR COMMON CRIMES, NOT-WHTISTANDING THE MOTIVATION OF THE LATTER. CARDINAL ARNS AND GENERAL (RETIRED) PERI BEVILACQUA, ON THE OTHER HAND, HAVE BOTH EXPRESSED THEIR SUPPORT FOR A "RECIPROCAL AMNESTY", WHICH WOULD COVER ALL POLITICAL CRIMES ON BOTH SIDES (INCLUDING TORTURE OF PRISONERS AND TERRORIST ACTS RESPECTIVELY). EXTREMIST CURRENTS OF OPINION, OPERATING AT TIMES INDEPENDENTLY AND AT TIME THROUGH WHAT SEEM TO BE FRONT ORGANIZATIONS, WOULD APPEAR TO BE USING THE CALL FOR IMMEDIATE AND UNRESTRICTED AMNESTY AS AN IMPLICIT ATTACK ON THE LEGITIMACY OF THE REVOLUTION ITSELF. OTHER INTEREST GROUPS, SUCH AS THE JUSTICE AND PEACE COMMISSION AND THE OAB, HAVE APPROACHED THE QUESTION FROM A GENERALLY LEGALISTIC VIEWPOINT, THE FORMER CONCENTRATING ON THE GOB'S REFUSAL TO PROVIDE CONSULAR SERVICES TO AND ACCEPT RESPONSIBILITY FOR THE MANY (SELF) EXILED BRAZILIANS, THE LATTER EMPHASIZING THE VARIOUS LEGAL IMPEDIMENTS WHICH PREVENT THE REINTEGRATION INTO POLITICAL LIFE OF THOSE PUNISHED BY THE REVOLUTION. THE MDB NATIONAL LEADERSHIP, WHICH FOR SEVERAL MONTHS LAST YEAR DEVOTED ITS RESOURCES TO CALLING FOR A NATIONAL CONSTITUENT ASSEMBLY, HAS RECENTLY BEGUN TO ASSERT THAT ANY MEANINGFUL POLITICAL/INSTITUTIONAL CHANGE MUST BE ACCOMPANIED BY AMNESTY. MOST RECENTLY, THE CHILEAN EXPERIENCE IS INCREASINGLY BEING CITED AS AN EXAMPLE WORTH EMULATING. THE GOVERNMENT, MEANWHILE, HAS BEEN TOLERANT OF THE OPEN PUBLIC DEBATE CONCERNING AMNESTY REVIEW, BUT

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THUS FAR AVOIDED COMMITTING ITSELF TO ANY SPECIFIC COURSE OF ACTION. END SUMMARY

2. A WIDESPREAD AND BROADLY DEBATED PUBLIC CAMPAIGN FOR RE-EXAMINATION OF REVOLUTIONARY PUNISHMENTS INFLICTED SINCE 1964-- EITHER IN A BLANKET OR RESTRICTED ANMESTY FOR THOSE PUNISHED OR BY A REVIEW OF PUNISHMENT ON A CASE-BY-CASE BASIS--HAS BECOME A NATIONAL ISSUE

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AMEMBASSY RIO DE JANEIRO

AMCONSUL SAO PAULO

AMEMBASSY SANTIAGO

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SINCE LATE 1977. THE AMNESTY CAMPAIGN HAS DEVELOPED CONCURRENTLY WITH (AND HAS BEEN AN ELEMENT OF THE OPPOSITION'S RESPONSE TO) THE GOVERNMENTS'DIALOGUE ON POLITICAL/INSTITUTIONAL CHANGES NOW IN ITS FINAL PHASE. ALTHOUGH THE GROUPS INVOLVED IN THE AMNESTY CAMPAIGN HAVE VARIED OBJECTIVES AND CONCERNS, MOST APPEAR TO BE BASING THEIR EFFORTS ON A DESIRE TO CLOSE THE BOOK ON THE PAST AND ON THE CONVICTION THAT THE EXCEPTIONAL PHASE OF THE REVOLUTION HAS RUN ITS COURSE AND THE COUNTRY SHOULD RETURN TO NORMALITY. WHILE MANY GROUPS REFER TO "AMNESTY", THE CONTENT OF THAT TERM ENCOMPASSES A VARIETY OF MEANINGS. FOLLOWING ARE SOME OF THE PRINCIPAL GROUPS INVOLVED:

3. CATHOLIC CHURCH: THE CHURCH'S POSITION ON ANMESTY HAS SEVERAL SHADINGS. SAO PAULO CARDINAL ARNS CALLED EARLY FOR CONFIDENTIAL

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"RECIPROCAL AMNESTY", A MUTUAL FORGETTING OF ERRORS AND INJUSTICES ON BOTH SIDES, OR "AMNESTY FOR TORTURERS AND TORTURED" AS HE ON OCCASION HAS CHARACTERIZED IT. CARDINAL ALOSISIO LORSCHIEDER, PRESIDENT OF THE NATIONAL CONFERENCE OF BRAZILIAN BISHOPS (CNBB), HOWEVER, HAS WARNED OF THE POSSIBLE INJUSTICES THAT WOULD OCCUR IF A TOTAL AMNESTY WERE DECLARED. LORSCHIEDER APPARENTLY IS CONCERNED WITH THE PROBLEM OF EQUATING THOSE WHO WERE VICTIMS OF INJUSTICE WITH PERSONS WHO, FOR EXAMPLE, PRACTICED TERRORIST ACTS. RIO DE JANEIRO CARDINAL SALLES, ON THE OTHER HAND, HAS EMPHASIZED THE CHRISTIAN SPIRIT AND HUMILITY THAT MUST GOVERN AN APPROACH TO ANMESTY. THE NATIONAL COUNCIL OF BRAZILIAN BISHOPS, AT ITS APRIL GENERAL ASSEMBLY IN ITAICI, SAO PAULO, CALLED ON THE GOVERNMENT TO"

..IN A SINCERE EFFORT TO RETURN TO THE RULE OF LAW AND (ESTABLISH) NATIONAL RECONCILIATION, CONCEDE ANMESTY TO THOSE WHO SAW THEMSELVES INVOLVED IN SITUATIONS OF PUBLIC AND SOCIAL DISORDER OF SUCH AMPLITUDE THAT THEY CANNOT BE CONSIDERED AS THE SOLE PARTIES RESPONSIBLE FOR SUCH DISORDERS". THE APPEAL, WHICH SPECIFICALLY INCLUDES THE EXILED AND BANISHED AS WELL AS THOSE WHO HAVE DIFFICULTIES IN UTILIZING OVERSEAS BRAZILIAN CONSULAR SERVICES, STATES THAT IT IS NOT CALLING FOR THE "IMPUNITY OF THOSE WHO ARE UNEQUIVOCALLY THE CULPRITS OF COMMON CRIMES."

4. JUSTICE AND PEACE COMMISSION: THE CHURCH'S JUSTICE AND PEACE COMMISSION HAS APPROACHED AMNESTY ISSUES FROM A LEGALISTIC, PRAGMATIC VIEWPOINT, SEEKING TO PUT THE GOVERNMENT ON THE DEFENSIVE BY PUBLICIZING ILLEGAL PUNISHMENTS AND RETRIBUTIONS, SUCH AS THE REFUSAL BY BRAZILIAN EMBASSIES TO PROVIDE CONSULAR SERVICES (E.G., ISSUE PASSPORTS, REGISTER CHILDREN BORN ABROAD) TO BANISHED OR SELF-EXILED BRAZILIANS. SAO PAULO JUSTICE AND PEACE COMMISSION PRESIDENT DALMO DALLARI'S ESTIMATE (SAO PAULO 0988) THAT THERE ARE SOME 10,000 BRAZILIANS LIVING ABROAD WHO ARE CONFIDENTIAL

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UNABLE TO OBTAIN THESE SERVICES IS A PART OF THIS PUBLICITY EFFORT. (FYI: DALLARI TOLD CONGEN OFFICER THAT HE ARRIVED AT THE 10,000 FIGURE ON THE BASIS OF HIS ESTIMATE OF 3,000 BRAZILIANS LIVING IN EUROPE WHO BELIEVE THEY CANNOT RETURN TO BRAZIL, PLUS THEIR FAMILIES. END FYI). BY PUBLICIZING THE SITUATION OF EXILES, DALLARI HOPES TO ENCOURAGE AN INCREASING NUMBER TO CHALLENGE THESE PRACTICES IN COURT. HE STATED THAT HE ALSO HOPES TO OBTAIN A COPY OF WHAT HE TERMED A GOB "LOOKOUT BOOK" WHICH REPORTEDLY LISTS NEARLY 20,000 BRAZILIANS ON WHOM EMBASSIES AND CONSULATES MUST RECEIVE AN ADVISORY OPINION BEFORE OFFERING ASSISTANCE; HE HOPES THAT PUBLICATION OF THE NAMES WOULD REVEAL THE ARBITRARINESS OF MANY OF THE LISTINGS. WITH RESPECT TO THE LARGER ISSUES OF ANMESTY, DALLARI AND OTHERS IN THE JUSTICE AND PEACE COMMISSION VIEW IT IN AN IMPLACABLY LEGALISTIC WAY: "...THE IMMEDIATE RETURN OF POLITICAL RIGHTS TO ALL THOSE WHO DID NOT PRACTICE ANY ACT PREVIOUSLY DEFINED IN LAW AS A CRIME". FORMER PUBLIC PROSECUTOR HELIO BICUDE PUT IT MORE POINTEDLY"" "ONCE WE HAVE REMOVED THE"REVOLUTIONARY" LEGISLATION FROM THE BOOKS, WE SHOULD TRY TO ACCUSE TORTURERS IN THE

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SAME COURTS OF LAW AS WE DO THE ACCUSED SUBVERSIVES".

5. OAB: THE BRAZILIAN BAR ASSOCIATION HAS SET UP STUDY GROUPS  
TO FIND OUT THE LEGAL REQUIREMENTS FOR AMNESTY.  
BAR ASSOCIATION PRESIDENT RAIMUNDO FAORO, IN AN INTERVIEW WITH  
"ISTO I" MAGAZINE, GAVE THE MOST BROAD-GAUGED APPROACH TO  
AMNESTY ISSUES, EMPHASIZING THAT IT WOULD BE A POLITICAL ACT  
FOR THE GOVERNMENT TO GRANT AMNESTY. ACCORDING TO THE GOVERNMENT'S  
NEEDS, AMNESTY COULD LIMIT THE RETURN OF CIVILIANS AND MILITARY  
TO PREVIOUS POSITIONS, WHILE RESTORING THEIR POLITICAL  
RIGHTS, OR BE ENGINEERED TO EXCLUDE CERTAIN PERSONS  
AND INFRACTIONS, WHILE CONDITIONING THE CONDUCT OF AMNESTIED  
PERSONS. FAORO NOTES THAT SINCE MOST OF THE REVOLUTIONARY  
PUNISHMENTS HANDED DOWN WERE BASED ON SUBJECTIVE INTERPRETATIONS  
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AT THE MOMENT OF THE REQUIREMENTS OF "NATIONAL PEACE AND HONOR",  
"NATIONAL SECURITY" OR POLITICAL EXPEDIENCY, IT WOULD BE  
IMPRACTICABLE TO REVIEW THEM JUDICIALLY FAORO EMPHASIZED THAT  
AMNESTY IS NOT ONE OF THE FIRST ISSUES TO BE ADDRESSED IN THE  
RETURN TO NORMALITY; IN HIS VIEW, RESTORATION OF DEMOCRATIC  
LIBERTIES, PHYSICAL INTEGRITY OF THE PERSON, HABEAS CORPUS  
AND INDEPENDENCE OF THE COURTS ALL HAVE HIGHER PRIORITIES.

6. BRAZILIAN COMMITTEE FOR AMNESTY: THE COMMITTEE, WHICH WAS FOUNDED IN DECEMBER 1977, BUT ONLY BECAME ACTIVE IN MID-FEBRUARY OF THIS YEAR, CLAIMS TO BE COMPOSED OF RELATIVES AND FRIENDS OF THOSE PUNISHED BY THE REVOLUTION. IT IS BASED IN RIO UNDER THE PRESIDENCY OF RETIRED GENERAL PERI BEVILACQUA (A FORMER MINISTER OF THE SUPREME MILITARY TRIBUNAL WHO WAS FORCIBLY RETIRED IN 1968 UNDER IA-5) AND DEFENDS "AMPLE, GENERAL AND UNRESTRICTED AMNESTY".

7. MDB: THE MDB HAS HAD AN AMNESTY PLANK IN ITS PARTY PLATFORM SINCE 1966 (INSERTED BY CURRENT CHAMBER OF DEPUTIES MINORITY LEADER TANCREDO NEVES) BUT HAS UNTIL RECENTLY LEFT THE ISSUE DORMANT. THE PARTY LEADERSHIP--UNDER PRESSURE ON THE ISSUE FROM EX-PARTY INFLUENCE AND PRESSURE GROUPS--HAS NOW BEGUN TO STATE, HOWEVER, THAT ANY MEANINGFUL POLITICAL/INSTITUTIONAL CHANGE MUST BE ACCOMPANIED BY SOME FORM OF AMNESTY. THE MDB LEADERSHIP HAS GENERALLY LEFT THE EXTENT OF ANY SUCH AMNESTY LARGELY UNDEFINED, ALTHOUGH SENATE MINORITY LEADER PAULO BROSSARD DID NOTE THAT AN UNRESTRICTED AMNESTY WOULD NOT BE PRACTICABLE AT THIS TIME.

8. SOME OF THE OTHER GROUPS WORKING FOR AMNESTY ARE THE FEMININE MOVEMENT FOR AMNESTY (LED BY TEREZINHA ZERBINI, WIFE OF CASSATED GENERAL ZERBINI), THE MAY DAY PRO-AMNESTY COMMITTEE (ABOUT WHICH LITTLE IS KNOWN AND WHOSE NAME SUGGESTS A FRONT ORGANIZATION), AND THE BRAZILIAN COMMUNIST PARTY (PCB), WHOSE CONFIDENTIAL

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WATCHWORDS HAVE REPORTEDLY BECOME "AMNESTY AND LEGALITY". FOR SOME OF THESE AND OTHER GROUPS, THE CALL FOR AN UNRESTRICTED AMNESTY SERVES AS AN IMPLICIT ATTACK ON THE LEGITIMACY OF THE REVOLUTION ITSELF.

9. THE GOVERNMENT HAS REACTED TO THESE DIVERSE CURRENTS IN SEVERAL WAYS. ON THE POSITIVE SIDE, IT HAS PERMITTED THE PRESS TO EXAMINE THE ISSUE, IN ALL ITS FACETS, INCLUDING THOSE CASES OF GLARING GOVERNMENT TERROR, ILLEGAL BEHAVIOR, AND GROSS INJUSTICE. THIS LIFTING OF THE TABOO ON DISCUSSING "REVOLUTIONARY" ACTS HAS SOMETIMES RESULTED IN SEVERAL PAGES A DAY ON THE SUBJECT IN THE DAILY PRESS AND HAS HAD THE EFFECT OF SENSITIZING PART OF THE ELITE TO THE COMPLEXITIES OF THE MATTER. IT HAS ALSO HAD THE NEGATIVE EFFECT OF BRINGING TO THE SURFACE THE DESIRE FOR REVENGE IN CERTAIN CIRCLES FOR THE MORE OUTRAGEOUS ARBITRARY ACTS. THE MILITARY'S FEAR OF REVENGE--ESPECIALLY SINCE THE

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MIDDLE GRADE OFFICERS DIRECTLY RESPONSIBLE FOR  
CARRYING OUT SOME OF THE REVOLUTION'S MORE  
QUESTIONABLE ACTIVITIES ARE NOW BECOMING COLONELS  
AND GENERALS--IS A MAJOR OBSTACLE TO AMNESTY IN  
ONE FORM OR ANOTHER. SUPREME MILITARY TRIBUNAL  
PRESIDENT ADMIRAL HELIO DE AZEVEDO LEITE RECENTLY  
AFFIRMED THE POSSIBILITY OF REVIEWING "SOME PUNISH-  
MENTS", BUT CONDEMNED ANY "AMPLE AND UNRESTRICTED"  
AMNESTY, ADDING "SOME SPEAK OF A RECIPROCAL  
AMNESTY AS IF THE REVOLUTION HAS TO EXPLAIN OR ASK  
FORGIVENESS FOR THE WAY IN WHICH IT HAS ACTED".

10. THE GOVERNMENT HAS BEEN MOVING ON AMNESTY-RELATED  
ISSUES IN OTHER WAYS:  
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---IT IS PERMITTING THE RETURN, WITH MINIMUM HARASS-  
MENT, OF SOME PERSONS WHO WERE IN SELF-EXILE, WHO  
WERE CONDEMNED OF CRIMES ON WHICH THE STATUTE OF  
LIMITATIONS HAS EXPIRED, OR WHO WERE PROMINENT  
POLITICAL FIGURES AT THE TIME OF THE REVOLUTION.  
THERE HAS BEEN A NUMBER OF SUCH RETURNEES, ACCOMPANIED

BY CONSIDERABLE PRESS COVERAGE FOR THE MORE WELL KNOWN AMONG THEM. THESE PEOPLE HAVE SUFFERED NO FURTHER PENALTIES, EXCEPT FOR THEIR ELIMINATION FROM DIRECT POLITICAL PARTICIPATION. EVEN ALMINO ALFONSO, GOULART'S RADICAL LABOR MINISTER, NOW PRACTICES LAW AND WRITES FOR FOLHA DE SAO PAULO'S OP-ED PAGE.

---IT IS QUIETLY REVIEWING ITS ADMINISTRATIVE PRACTICES, WHICH IN THE PAST HAVE INCLUDED THE DENIAL OF CONSULAR SERVICES TO BRAZILIANS LIVING ABROAD, EVEN WHEN CHARGES AGAINST THEM HAD BEEN DROPPED OR WHEN PUNISHMENTS HAD EXPIRED. PUBLICITY ABOUT SUCH PRACTICES GENERATED BY THE JUSTICE AND PEACE COMMISSION HAS PROBABLY BEEN INSTRUMENTAL IN ACCOMPLISHING THIS. HOWEVER, ALMOST ALL PERSONS WHO CONTEST THE GOVERNMENT'S ADMINISTRATIVE PRACTICES MUST STILL DO SO IN THE COURTS--THE GOVERNMENT IS NOT TAKING THE INITIATIVE.

---THE GOVERNMENT IS BEGINNING TO CONSIDER REVIEWING SOME OF THE MORE NOTORIOUS AND DIFFICULT CASES, SUCH AS THAT OF CAPTAIN SERGIO RIBEIRO DE CARVALHO. IN 1968, CARVALHO WAS THE HEAD OF THE AIR FORCE'S PARA-SAR (SEARCH AND RESCUE) UNIT IN RIO DE JANEIRO, WHICH AIR FORCE BRIGADIER JOAO PAULO BURNIER, A MEMBER OF THEN-AIR MINISTER MARCIO MELO E SOUSA'S CABINET, ALLEGEDLY WANTED TO TURN INTO A POLITICAL STRIKE FORCE AGAINST WHAT HE SAW AS THE REVOLUTION'S ENEMIES. UPON LEARNING OF HIS ORDERS, WHICH ALLEGEDLY INCLUDED THE MURDER OF CONFIDENTIAL

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FORMER RIO GOVERNOR CARLOS LACERDA AND RETIRED GENERAL MOURAO FILHO, CAPTAIN CARVALHO REPORTEDLY REFUSED TO OBEY AND TOOK THE MATTER TO HIS SUPERIORS. HE WAS IMPRISONED, AND THEN REMOVED FROM THE AIR FORCE UNDER IA-5. LATER, AS DETAILS OF WHAT HAD TRANSPIRED BECAME KNOWN TO THE GOVERNMENT, BOTH BURNIER AND MELO E SOUSA WERE ALSO REMOVED FROM THEIR POSITIONS AND RETIRED. GENERAL PERI BEVILACQUA BROUGHT THE CASE BACK TO LIGHT DURING A PRO-AMNESTY PRESS CONFERENCE IN FEBRUARY. AND SINCE THAT TIME CAPTAIN CARVALHO HAS BECOME A PRESS HERO, DEPICTED AS HAVING STOOD UP FOR THE BEST INTERESTS OF THE REVOLUTION AT GREAT PERSONAL SACRIFICE. BRIG. BURNIER, HOWEVER, RECENTLY STATED IN A PRESS CONFERENCE THAT HE THOUGHT THAT CAPTAIN CARVALHO'S PUNISHMENT HAD BEEN TOO MILD. LAST MONTH, CURRENT AIR MINISTER ARARIPE MACEDO TOLD THE PRESS THAT HE HAD BEEN REVIEWING THE CASE "IN CASE I AM CALLED UPON BY THE PRESIDENT TO DEAL WITH IT."

11. A MAJOR PROBLEM IN DEALING WITH A GENERAL AMNESTY,



IF THERE WERE TO BE ONE, WOULD BE REMOVING THE NETWORK  
OF INSTITUTIONAL ACTS, CONSTITUTIONAL PROVISIONS, LAWS  
AND REGULATIONS THAT NOW EXIST TO IMPLEMENT AND MAINTAIN  
REVOLUTIONARY PUNISHMENTS. INSTITUTIONAL ACTS 1, 2, 5,  
10 AND 13 PERMIT THE PRESIDENT TO SUSPEND AN INDIVIDUAL'S  
POLITICAL RIGHTS. IN THE CONSTITUTION, ARTICLE 147  
PROHIBITS PERSONS WITHOUT POLITICAL RIGHTS FROM REGISTERING  
OR VOTING; ARTICLE 150 SAYS THAT THOSE PERSONS

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PROHIBITED FROM REGISTERING CANNOT BE ELECTED; ARTICLE 151  
(AND COMPLEMENTARY LAW 15) FURTHER ESTABLISH INELIGIBILITIES;  
ARTICLE 181 EXCLUDES "REVOLUTIONARY" ACTS, SUCH AS THOSE BASED ON  
INSTITUTIONAL ACTS, FROM JUDICIAL REVIEW; ARTICLE 185  
MAKES PERMANENT THE LOSS OF POLITICAL RIGHTS TO SEEK ELECTIVE  
OFFICE OF ANYONE WHO HAS BEEN CASSATED THROUGH THE INSTITUTIONAL  
ACTS. THE NATIONAL SECURITY LAW DEFINES BANK ROBBER, KIDNAPPING  
AND ASSAULT AS CRIME AGAINST NATIONAL SECURITY. DECREE  
LAW 477 PROVIDES PUNISHMENTS FOR STUDENTS FOR POLITICAL ACTIVITY.  
THE LAW GOVERNING POLITICAL PARTIES PROHIBITS THOSE PERSONS WHO

DO NOT ENJOY POLITICAL RIGHTS OR WHO HAVE BEEN PUNISHED BY  
INSTITUTIONAL ACTS FROM JOINING POLITICAL PARTIES. THAT LAW  
WAS TESTED IN EARLY MARCH BEFORE THE SUPREME FEDERAL TRIBUNAL,  
WHICH UPHELD ITS CONSTITUTIONALITY BASED ON ARTICLE 185  
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OF THE CONSTITUTION. ASIDE FROM THE LAWS LISTED ABOVE, THERE  
ARE MYRAID REGULATIONS WHICH COVER THE ACTIVITIES OF CASSATED  
PERSONS THAT WOULD ALSO HAVE TO BE ADJUSTED TO AN AMNESTY.

12. COMMENT: ALTHOUGH THERE HAS BEEN A GREAT DEAL OF PRESS  
COVERAGE AND PUBLIC DEBATE OVER THE AMNESTY QUESTION--NOW GIVEN  
ADDITIONAL IMPETUS BY THE RECENT CHILEAN ACTION, WHICH SOME VIEW  
INDISCRIMINATELY AS WORTHY EMULATION BY THE GOB--THE ISSUE WILL  
NOT BE RESOLVED IN THE NEAR FUTURE. THERE ARE SIGNS THAT IT  
IS BEING GIVEN CAREFUL ALTHOUGH NOT NECESSARILY URGENT CONSIDERATION  
BY THE GOB. THE GOVERNMENT'S ATTITUDE WILL BE AFFECTED SIGNIFICANTLY  
BY THE DEGREE TO WHICH THE OPPOSITION-- AND ESPECIALLY  
THE MDB--REACTS POSITIVELY TO THE PROPOSALS FOR INSTITUTIONAL  
CHANGE THAT ARENA SENATE LEADER PORTELLA IS EXPECTED TO DISCUSS  
WITH THE MDB, POSSIBLY LATER THIS MONTH. GOB SPOKESMAN, INCLUDING  
PRESIDENTIAL CANDIDATE FIGUEIREDO, HAVE BEEN EITHER SILENT  
OR VERY CAUTIOUS ON THE ISSUE. FIGUEIREDO HAS BEEN QUOTED AS  
SAYING IF EFFECT, THAT HE DOES NOT BELIEVE IN A BLANKET AMNESTY  
BECAUSE IT WOULD INCLUDE PERPETRATORS OF COMMON CRIMES, REGARDLESS  
OF THEIR MOTIVATION, BUT THAT HE DOES BELIEVE THAT SOME  
FORMULA FOR REVIEWING REVOLUTIONARY PUNISHMENTS COULD BE  
FOUND, PERHAPS ON CASE-BY-CASE BASIS, ALTHOUGH HE HAS NOTED  
FAORO'S RESERVATIONS ON THIS (SAO PAULO 1278 CONTAINS A MORE  
EXTENSIVE SUMMARY OF FIGUEIREDO'S PUBLISHED VIEW ON THE MATTER). THE  
ISSUE IS A VERY DIFFICULT ONE FOR THE GOB GENERALLY, AND PRESIDENT  
GEISEL IN PARTICULAR. IF HE WISHES THE ADDITIONAL POLITICAL  
SUPPORT FOR HIS INSTITUTIONAL CHANGES THAT SOME FORM OF "AMNESTY"  
MIGHT ENGENDER, THE PRESIDENT MUST CAREFULLY DEVISE A WAY OF  
ENHANCING THE CREDIBILITY OF HIS REFORM PACKAGE BY OFFERING  
SOME ACCOMMODATION ON THE ISSUE OF REVOLUTIONARY PUNISHMENTS WHICH  
WOULD AT THE SAME TIME BE ACCEPTABLE TO THE BULK OF THE MILITARY,  
INCLUDING HARDLINERS. THIS DELICATE BALANCING ACT MUST ALSO BE  
PERFORMED IN SUCH A WAY AS TO AVOID THE DANGER THAT THE RESULTS  
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BE INTERPRETED, HOWEVER INDIRECTLY, AS CRITICISM OF ONE OF  
GEISEL'S MILITARY PREDECESSORS BY RAISING QUESTIONS AS TO THE  
LEGITIMACY OF THEIR ACTIONS. THE POSSIBILITY OF SUCH  
IMPLIED CRITICISM, IN FACT, IS ONE OF THE MAJOR IMPEDIMENTS TO  
REVISION ON A CASE-BY-CASE BASIS: SOME OBSERVERS FEEL SUCH A

COURSE OF ACTION WOULD, IN EFFECT, PLACE THE REVOLUTION ITSELF  
ON A TRAIL EACH A CASE WERE TO BE REOPENED AND RE-EXAMINED.  
WHAT EVER DECISION IS ULTIMATELY MADE CONCERNING AMNESTY/REVISION,  
HOWEVER, IT SEEMS LIKELY THAT THE FIRST CATEGORY OF PUNISHMENTS  
TO BE RESOLVED WILL BE THOSE AFFECTING FORMER MILITARY PERSONNEL.  
IN THIS MANNER, THE GOVERNMENT WILL BE ABLE, SHOULD IT SO DESIRE,  
TO ATTEND TO THE SPECIAL SENSITIVITIES, OR AT LEAST LESSEN  
THE NEGATIVE REACTION, OF THE ARMED FORCES WHILE AT THE TIME  
INDICATING TO THE CIVILIAN SECTOR HOW BROAD OR RESTRICTED THE  
AMNESTY/REVISION WILL BE AND IN PRECISELY WHAT FORM IT WILL  
BE CONCEDED.  
JOHNSON

CONFIDENTIAL

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** AMNESTY, SPECIAL INTEREST GROUPS, PUBLIC ATTITUDES  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 09 may 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1978BRASIL03718  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D780198-0593  
**Format:** TEL  
**From:** BRASILIA  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1978/newtext/t19780580/aaaacqfl.tel  
**Line Count:** 560  
**Litigation Code IDs:**  
**Litigation Codes:**  
**Litigation History:**  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Message ID:** 0da32aa2-c288-dd11-92da-001cc4696bcc  
**Office:** ACTION ARA  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 11  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
**Review Content Flags:**  
**Review Date:** 05 jul 2005  
**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 2756060  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** AMNESTY ISSUE COMES TO THE FORE  
**TAGS:** PINT, SHUM, BR  
**To:** STATE  
**Type:** TE  
**vdkgvwkey:** odbc://SAS/SAS.dbo.SAS\_Docs/0da32aa2-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
EO Systematic Review  
20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014